

CASE PROCESSING STANDARDS ANALYSIS

PROBATE - MENTAL HEALTH CASES

National Center for State Courts Model Time Standards:

98% within 15 days after filing petition

Measurement: Filing of petition through disposition (e.g., patient released or issuance of a court order.)

Arizona Probate - Mental Health Cases

The following standard has been adopted for the Superior Courts:

98% within 15 days

- ✓ Petitions for court-ordered treatment are included.
- ✓ Petitions for court-ordered evaluation are excluded.

Measurement: Filing of petition through disposition (e.g., patient released or issuance of a court order for treatment).

Excluded Time: No excluded time.

Arizona Rules and Statutes	Timelines under Statute and Rule
Petition Filed: ARS ¹ § 36-535(A)	<p style="text-align: center;">(Measurement Starts Here)</p> <p><u>Detention of Patient:</u> If the patient is not already detained in an agency when the petition for court-ordered treatment is filed, the court shall order the detention of the patient in the agency that conducted the evaluation. This determination is based on whether the patient is likely to present a danger to self or others before conclusion of the hearing or is not likely to appear at the hearing on the petition if not detained.</p>
ARS § 36-535(B)	<p><u>Hearing:</u> The court shall order the hearing to be held within 6 business days after the petition is filed. For good cause shown, the hearing can be continued for a maximum of 30 days by the patient. The hearing may be continued a maximum of 3 business days at the request of the petitioner.</p>
Service: ARS § 36-536(A)	<p>At least 72 hours before the court conducts the hearing on the petition for court-ordered treatment, a copy of the petition, affidavits in support of the petition, and the notice of hearing shall be served on the patient. The patient shall be informed of the purpose of the hearing and the right to consult counsel.</p> <p>If counsel has not been employed, counsel shall be appointed by the court at least 3 days before the hearing.</p>

¹ Arizona Revised Statutes

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Duties of Counsel: ARS § 36-537(B)(1)</p> <p>ARS § 36-537(B)(2)</p> <p>ARS § 36-537(B)(3) and (4)</p> <p>ARS § 36-538</p>	<p>Within 24 hours of appointment, the patient’s attorney shall conduct an interview with the patient and explain the patient’s rights.</p> <p>At least 24 hours before the hearing the patient’s attorney shall review the petition for evaluation, pre-petition screening report, evaluation report, petition for treatment, the patient’s medical records, and the list of alternatives to court-ordered treatment.</p> <p>At least 24 hours before the hearing, the patient’s attorney shall interview the petitioner, if available, and the petitioner’s supporting witnesses, if known and available, interview the physicians or the psychiatric and mental health nurse practitioner who will testify at the hearing, and investigate the possibility of alternatives to court-ordered treatment.</p> <p>The patient has a right to an independent evaluator for an analysis of his or her mental condition.</p>
<p>Disposition: ARS § 36-540</p>	<p><u>Entry of Order:</u> The court shall order the patient to undergo treatment if it finds that by clear and convincing evidence that the proposed patient, as a result of a mental disorder, is a danger to self, is a danger to others, is acutely disabled or is gravely disabled and in need of treatment and is either unwilling or unable to accept voluntary treatment.</p> <p style="color: red; text-align: center;">(Measurement Stops Here)</p>